IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3173 OF 2004

IN

SUIT NO.2877 OF 2004

Kumar Lalchand Khatanhar. ... Plaintiff.

vs.

Durgadas Lalchand Khatanhar. .... Defendant.

And

H.S.B.C., Bandra Branch. ...Respondent.

Mr.Milind Vasudeo i/b. Rajni Associate, for Plaintiff.

Mr.R.K.Desai, for Defendant.

CORAM: D.K.DESHMUKH,J.

DATED: 15th September,2005

P.C.:-

1. This is a notice of motion taken out by the plaintiff. The suit of the plaintiff is for a money decree. By this notice of motion, interim order for furnishing security is claimed. But in the affidavit, it is not averred that the defendant is disposing of the property to defeat

the decree that may be passed in favour of the plaintiff in the suit. In the absence of such averment, order for furnishing security cannot be made. Hence, the notice of motion is disposed of.